

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
(Northern Division)

UNITED STATES OF AMERICA,)
)
and the STATE OF MISSISSIPPI,)
)
Plaintiffs,)

v.)

THE CITY OF JACKSON, MISSISSIPPI,)
)
Defendant.)

Case No. 3:12-cv-790-HTW-LGI
(Clean Water Act Case)

UNITED STATES OF AMERICA,)
)
Plaintiff,)

v.)

THE CITY OF JACKSON, MISSISSIPPI,)
)
Defendant.)

Case No. 3:22-cv-00686-HTW-LGI
(Safe Drinking Water Act Case)

**JOINT STIPULATION TO PROVIDE CERTAIN PERSONALLY IDENTIFIABLE
INFORMATION (PII) TO ITPM
AND FOR ENTRY OF AMENDED STIPULATED ORDER (CLEAN WATER ACT
CASE)**

COME NOW the parties in the above referenced matters and hereby stipulate and agree
as follows:

WHEREAS during the public comment period regarding the proposed Stipulated Order
in Case No. 3:12-cv-790-HTW-LGI—referred to as the “Clean Water Act Case”— [Dkt. No. 36]

several commenters raised concerns about both sewer and water issues at their properties. The commenters' personal information (such as street addresses and personal contact information) has been redacted from the comments that will be filed with the Court.

WHEREAS, the United States wishes to provide these particular comments in unredacted form to the City and to Ted Henifin ("the ITPM"), as the proposed interim third-party manager of the City's sewer system and as the interim third-party manager of the City's drinking water system and Water/Sewer Business Administration Division (WSBA), so the ITPM may investigate the water/sewer issues.

WHEREAS, certain comments requested additional financial information be provided by the ITPM for additional accountability and transparency regarding the use of funds to pay for sewer-related expenses and/or work.

WHEREAS, in response to the concerns raised by the above-referenced comments, the Parties have agreed to require that additional financial information be reported in the Quarterly Status Reports and annual audited financial statements required of the ITPM under the Stipulated Order.

WHEREAS, the ITPM, through counsel, has reviewed the relief requested herein, and consents thereto.

IT is hereby STIPULATED and AGREED as follows:

1. The United States may provide comments in unredacted form to the City and the ITPM. The City and the ITPM may use this information as necessary to investigate the sewer/water issues at the commenter's property. Otherwise, the ITPM will use best efforts to keep the address information confidential. A proposed order ordering this relief shall be provided to Chambers pursuant to Local Rule 7(b)(2)(F).

2. Paragraph 17.a.vi. of the proposed Stipulated Order is revised as follows (redline indicates added text):

An accounting of expenditures from, additions to, and remaining balance of the ITPM Professional Sewer Budget, **the Sewer O&M Account, the Sewer Capital Improvements Account, the SEP escrow fund, WSBA accounts, and any other account used by the ITPM to receive, borrow, or spend funds for expenses and/or work related to the Sewer System and implementation of this Stipulated Order;**

3. Paragraph 17.a.viii of the proposed Stipulated Order is revised as follows (redline indicates added text):

In each Status Report filed in the month of January, an audited financial statement of the ITPM Professional Sewer Account, Sewer O&M Account, and Sewer Capital Improvements Account, **the SEP escrow fund, WSBA accounts, and any other account used by the ITPM to receive, borrow, or spend funds for expenses and/or work related to the Sewer System and implementation of this Stipulated Order** for the City's previous fiscal year. Any information revealing bank account numbers or constituting personally identifiable information shall be redacted;

4. A revised Stipulated Order reflecting these changes shall be provided to Chambers pursuant to Local Rule 7(b)(2)(F).

SO Stipulated:

FOR THE UNITED STATES OF AMERICA:

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

Dated: Sept. 29, 2023


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Dated: Sept. 29, 2023

/s/ Angela G. Williams (with permission by KF)
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Dated: Sept. 29, 2023

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FOR THE STATE OF MISSISSIPPI, ACTING THROUGH THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY AND THE MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY:

Dated: Sept. 29, 2023

/s/ Gretchen Zmitrovich (with permission by KF)

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FOR THE ITPM, as to the relief requested:

Dated: Sept. 29, 2023

/s/ Paul Calamita (with permission by KF)

F. PAUL CALAMITA (appearing Pro Hac Vice)

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